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13 GENESIS SOLAR LLC

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

12 LA CUNA DE AZTLAN SACRED
13 SITES PROTECTION CIRCLE
14 ADVISORY COMMITTEE;
15 CALIFORNIANS FOR RENEWABLE
16 ENERGY; ALFREDO ACOSTA
17 FIGUEROA; PHILLIP SMITH;
18 PATRICIA FIGUEROA; RONALD
19 VAN FLEET; CATHERINE OHRIN-
20 GREIPP, RUDY MARTINEZ
21 MACIAS, and GILBERT LEIVAS,

22 Plaintiffs,

23 v.

24 UNITED STATES DEPARTMENT
25 OF THE INTERIOR; KEN
26 SALAZAR, in the official capacity of
27 Secretary of the United States
28 Department of the Interior; UNITED
STATES BUREAU OF LAND
MANAGEMENT; ROBERT ABBEY,
in the official capacity of Director of
the United States Bureau of Land
Management; TERI RAML, in the
official capacity of District Manager of
the California Desert District of the
United States Bureau of Land
Management; JOHN KALISH, in the
official capacity of Field Manager of
the Palm Spring South Coast Field
Office of the United States Bureau of
Land Management; UNITED STATES

Case No. 5:11-cv-01478-GW-SS

**GENESIS SOLAR LLC'S NOTICE
OF MOTION AND MOTION TO
RECOVER FEES AND COSTS
INCURRED IN THE PREVIOUSLY
DISMISSED ACTION AND STAY
THE PROCEEDING**

[FRCP 41(d)]

Date: February 9, 2012
Time: 8:30 a.m.
Courtroom: 10
Judge: Hon. George H. Wu

*[Memorandum of Points and
Authorities; Declaration of Kristopher
S. Davis; and [Proposed] Order, filed
concurrently herewith]*

1 DEPARTMENT OF ENERGY;
2 STEVEN CHU, in the official capacity
3 of Secretary of the United States
4 Department of Energy; UNITED
5 STATES TREASURY; TIMOTHY F.
6 GEITHNER, in the official capacity of
7 Secretary of the United States
8 Treasury; FEDERAL FINANCING
9 BANK; and GENESIS SOLAR LLC,

Defendants.

1 **TO: THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
 2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on February 9, 2012, at 8:30 a.m., or as
 4 soon thereafter as counsel can be heard, in Courtroom 10 of the above-entitled
 5 court, located at 312 North Spring Street, Los Angeles, California 90012,
 6 defendant Genesis Solar LLC ("Genesis Solar") will, and hereby does:

7 (1) Move pursuant to Federal Rule of Civil Procedure 41(d)(1) for an
 8 order awarding Genesis Solar's attorneys' fees and costs incurred in defending the
 9 previously dismissed action entitled *La Cuna de Aztlan Sacred Sites Protection*
 10 *Circle Advisory Committee, et al. v. United States Department of the Interior, et*
 11 *al.*, United States District Court for the Southern District of California, Case No.
 12 3:10-cv-02664-WQH-WVG, in the amount of \$159,191.80 against Plaintiffs; and

13 (2) Move pursuant to Federal Rule of Civil Procedure 41(d)(2) for an
 14 order staying this proceeding until the Plaintiffs have complied.

15 This motion will be made pursuant to Federal Rule of Civil Procedure
 16 41(d)(1) & (2). This motion will be based on this Notice of Motion and Motion,
 17 the Memorandum of Points and Authorities filed concurrently herewith, the
 18 Declaration of Kristopher S. Davis filed concurrently herewith, on the records and
 19 file herein, and such evidence or argument as may be presented at or before the
 20 hearing on the motion.

21 Pursuant to Local Rule 7-3, this motion is made following the conference of
 22 counsel, which took place telephonically on September 26, 2011.

23
 24 Dated: November 21, 2011

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

25
 26 By: /s/ George T. Caplan

27 George T. Caplan
 28 Attorneys for Defendant
 GENESIS SOLAR LLC

CERTIFICATE OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Drinker Biddle & Reath LLP, 1800 Century Park East, Suite 1400, Los Angeles, California 90067.

On **November 21, 2011**, I served the foregoing document described as: **GENESIS SOLAR LLC'S NOTICE OF MOTION AND MOTION TO RECOVER FEES AND COSTS INCURRED IN THE PREVIOUSLY DISMISSED ACTION AND STAY THE PROCEEDING** on the interested parties in this action by transmitting a copy as follows:

SEE ATTACHED SERVICE LIST

 X **By ELECTRONIC FILING** (I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel denoted on the attached Service List.)

 By PERSONAL SERVICE

 by personally delivering such envelope to the addressee.

 by causing such envelope to be delivered by messenger to the office of the addressee.

 By UNITED STATES MAIL (I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.)

 By OVERNIGHT DELIVERY (by causing such envelope to be delivered to the office of the addressee by overnight delivery via Federal Express or by other similar overnight delivery service.)

 By FAX TRANSMISSION

 By E-MAIL OR ELECTRONIC TRANSMISSION

 (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

 X (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **November 21, 2011**, at Los Angeles, California.

SHANTA TEEKAH
Name

/s/ Shanta Teekah
Signature

SERVICE LIST

***La Cuna De Aztlan Sacred Sites Protection Circle Advisory Committee, et al.
v. United States Department of the Interior, et al.
USDC Case No. 5:11-cv-01478-GW-SS***

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